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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,726	07/24/2003	Fumihito Funazaki	PA4955US	8053
21254 7590 02/18/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER CHIO, TAT CHI				
ART UNIT		PAPER NUMBER		
2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/625,726

Applicant(s)

FUNAZAKI, FUMIHIRO

Examiner

TAT CHI CHIO

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/15/2008 and 8/4/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter "programmable and computer-readable storage medium" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
- 4.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 7, 8, 9, 10, 11, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Angiulo et al. (US 6,964,025 B2).

Consider claims 7, 10, and 11, Angiulo et al. teach an image recording apparatus for recording, in a recording medium, first image data for computer processing and second image data for digital video equipment using the first image data as a source, the image recording apparatus comprising: display control means for calculating a first data size regarding the first image data and a second data size regarding the second image data, and for displaying the first data size and the second data size on display means (Fig. 9. the apparatus calculates and displays the size of the first image data when the first image data is selected and it calculates and displays the size of the second image data when the second image data is selected).

Consider claim 8, Angiulo et al. teach an image recording apparatus, wherein the recording medium comprises a digital versatile disc (DVD) recording medium and the second image data are image data of a DVD-Video format (Fig. 1).

Consider claim 9, Angiulo et al. teach an image recording apparatus, wherein the recording medium comprises a compact disc (CD) recording medium and the second image data are image data of a Video-CD format (Fig. 1).

Consider claim 20, Angiulo et al teach an image recording apparatus further comprising image data size correcting means for correcting a size of said first and second image data (Fig. 3), wherein said display control means controls said display means to display a confirmation screen for allowing a user to confirm a size of said first and second image data (col. 11, lines 20-36) and wherein said image data size

correcting means corrects a size of said first and second image data in response to a user input in response to said confirmation screen (col. 11, lines 20-36).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-6, 13, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. (US 6,553,180 B1).

Consider claims 1, 5, and 6, Kikuchi et al. teach an image reproduction apparatus for reproducing first image data and second image data recorded in a recording medium having a first image area storing, the, first image data for computer processing and a second image area storing the second image data for digital video equipment using the first image data as a source, the image reproduction apparatus comprising:

- display control means for displaying on display means a selection screen for receiving selection of the first image area or the second image area (col. 54, lines 11-17);

- selection reception means for receiving the selection of the first image area or the second image area in the selection screen (col. 54, lines 11-17); and
- reproduction control means for reproducing the first image data in the first image area in the case where the first image area has been selected (col. 54, lines 21-27 reproduce the first title if the first title is selected) and for reproducing the second image data in the second image area in the case where the second image area has been selected (reproduce the second title if the second title is selected).

Consider claim 2, Kikuchi et al. teach an image reproduction apparatus, wherein the recording medium is a DVD-type recording medium and the second image data are image data of a DVD-Video format (Fig. 1).

Consider claim 4, Kikuchi et al. teach an image reproduction apparatus, wherein the selection reception means is means for receiving the selection of the first image area or the second image area by an operation of a remote controller (col. 54, lines 11-17).

Consider claim 13, Kikuchi teaches an image reproduction apparatus wherein said second image area comprises an image data set comprising repetitive image generated by resizing a frame of said image data set according to DVD-Video format (col. 58, lines 55-58 and col. 59, lines 16-32).

Consider claim 15, Kikuchi et al. teach the image reproduction apparatus, wherein said image reproduction apparatus comprises a digital video disc (DVD) player (Fig. 39 shows that the reproduction apparatus is used to play a DVD-RAM or DVD-R disc, therefore, the reproduction apparatus is a DVD player) and said display means comprises a television connected to said DVD player (col. 35, lines 31-37).

Consider claim 16, Kikuchi et al. teach an image reproduction apparatus further comprising judging means for determining whether said recording medium comprises said first and second image areas (col. 53, line 61-col. 54, line 2 and Fig. 54).

Consider claim 17, Kikuchi et al. teach an image reproduction apparatus, wherein said display control means displays said selection screen on said display means if said judging means determines that said recording means comprises said first and second image area (col. 54, lines 3-17).

Consider claim 18, Kikuchi et al. teach an image reproduction apparatus, wherein if said second image area is selected, said display control means controls said display means to display a data selection screen for displaying one of a title and a thumbnail image of an image data set stored in said second image data (col. 54, lines 11-27).

Consider claim 19, Kikuchi et al. teach an image reproduction apparatus, wherein said selection of the first image area or the second image area is received in said selection reception means when said user inputs said selection using a controller for controlling said image reproduction apparatus (col. 54, lines 11-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US 6,553,180 B1).

Consider claim 3, Kikuchi et al. fail to teach an image recording apparatus, wherein the recording medium is a CD-type recording medium and the second image data are image data of a Video-CD format.

The examiner takes official notice that the recording medium is a CD-type recording medium and the second image data are image data of a Video-CD format. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use CD-type recording medium and Video-CD format for the second image data so that the user is able to carry the data with them easily.

Consider claim 14, Kikuchi further teaches an image reproduction apparatus wherein said second image area comprises an image data set comprising repetitive images generated by resizing a frame of said image data set according to Video-CD format (col. 58, lines 55-58 and col. 59, lines 16-32).

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US 6,553,180 B1) in view of Ando et al. (US 7,286,746 B1).

Consider claim 12, Kikuchi et al. teach all the limitation in claim 1 and an image reproduction apparatus wherein said second image area comprises a directory area (Fig. 9 shows a directory) comprising a file name of image data sets (Fig. 9 shows file name of image data sets) stored in said second image area, allocation information for accessing said image data sets (Fig. 9 is a directory that shows the allocation information for accessing image data sets), and a coding method (col. 12, lines 49-62) but do not explicitly teach an encryption key for coding.

Ando et al. teach an image reproduction apparatus wherein said second image area comprises a directory area comprising an encryption key for coding (Fig. 8 shows the encrypting regions). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an encryption key in a directory area to facilitate a more efficient extraction of the image data from the recording medium when performing reproduction of the image data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621